

CITY COMMISSION MEETING

AGENDA

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS
October 7, 2020 at 1:30 pm

1. Members present: Mayor Giefer

<u>Vice Mayor Gilligan</u>	<u>Commissioner Geitz</u>
<u>Commissioner Smith</u>	<u>Commissioner Brinkman</u>
<u>City Manager McAnarney</u>	<u>City Clerk Sull</u>
<u>Asst. City Mgr. Massey</u>	<u>City Attorney Montgomery</u>
2. Consent Agenda
3. Public Comment
 - a. Proclamation Recognizing October as Domestic Violence Awareness Month.
 - b. Proclamation Recognizing October 4-10 as Fire Prevention Week.
4. Appoint Member to the Community Corrections Board.
5. Appoint Member to the MUPP Board.
6. Consider Authorizing Drawdown from the Lake Kahola Fund for Improvements to the Emporia Park System.
7. Consider Approval of Ordinance Amending Ordinance No. 19-19 for the Authorized Water System Improvements and Issuance of General Obligation Bonds.
8. Consider the Approval of Ordinance Authorizing Issuance of General Obligation Bonds for Refunding and Financing of Capital Improvements.
9. Consider the Approval of Resolution Authorizing the Sale and Delivery of General Obligation Refunding and Improvement Bonds
10. Report from City Manager on Activities.
11. City Commission Reports and Comments.
12. Executive Session
13. Executive Session



**If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact Jeff Lynch, City of Emporia ADA Coordinator at least 48 hours before the event at 620-343-4285 or email jlynch@emporia-kansas.gov*

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: Consent Agenda

SUBJECT:

Consent agenda:

The items listed on the Consent Agenda are considered by the Governing Body to be routine business items. Approval of the items may be made by a single motion, second and majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, at his/her request, it will be removed from the Consent Agenda and considered separately.

- a. Consider minutes of the Regular Meeting held on September 16, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on August 28, 2020.
- c. Consider Set Bid Time and Date for One New Dump Truck.

RECOMMENDATION:

- a. Approve Minutes
- b. Approve Payroll
- c. Approve Time and Date

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: 2c

SUBJECT: Set 2:00 p.m. October 20, 2020, as the time and date to receive bids for one new dump truck.

RECOMMENDATION: Set the time and date.

BACKGROUND SUMMARY:

Following is a proposed timetable for this project:

Commission to set bid date	October 7
Receive bids	October 20
Commission to consider bids	November 4

The replaced truck will be sold on public sale after receipt of the new truck.

The budgeted amount for this purchase is \$100,000.00 in the recent bond fund.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: 3

SUBJECT: Public Comment

RECOMMENDATION:

BACKGROUND SUMMARY:

- Proclamation Recognizing October as Domestic Violence Awareness Month.
-to accept Kari Wedel, SOS Community Relations Coordinator; and Erica Peres-Hernandez, SOS Outreach Coordinator.
- Proclamation Recognizing October 4-10 as Fire Prevention Week.
-to accept Reason Bradford, City of Emporia Fire Marshal.

Citizen Appearance Procedures

Presentations by individuals during "Citizen Appearance" portion of the Commission agenda shall be limited two minutes each. No personal attacks, comments or opinions shall be expressed or made against or about any member of the Commission, Mayor, City Employee, individual group or corporation.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____



PROCLAMATION

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender and income levels; and

WHEREAS, domestic violence is widespread and affects more than four million Americans each year; and

WHEREAS, one in three Americans have witnessed an incident of domestic violence; and

WHEREAS, children who grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

WHEREAS, only a coordinated community effort will put a stop to this heinous crime; and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims.

NOW, THEREFORE, BE IT RESOLVED I, Danny Giefer, Mayor for the City of Emporia, Kansas do here by proclaim the month of October as

Domestic Violence Awareness Month

and urge the citizens of Emporia to work together to eliminate domestic violence from our community.

ON THIS 7TH DAY OF OCTOBER 2020

ATTEST:

Danny Giefer, Mayor

Kerry Sull, City Clerk



PROCLAMATION

WHEREAS, the city of Emporia, Kansas is committed to ensuring the safety and security of all those living in and visiting Emporia; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,630 people in the United States in 2017, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 357,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States where fire departments responded to more than 173,200 annually between 2013 and 2017; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

WHEREAS, more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire

WHEREAS, Emporia's residents should stay in the kitchen when frying food on the stovetop, keep a three-foot kid-free zone around cooking areas and keep anything that can catch fire away from stove tops; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Emporia's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Emporia's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2020 Fire Prevention Week theme™, "Serve Up Fire Safety in the Kitchen!!" effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

THEREFORE, I Danny Giefer, Mayor for the City of Emporia do hereby proclaim
October 4-10, 2020, as

Fire Prevention Week

throughout this state, and I urge all the people of Emporia by checking their kitchens for fire hazards and using safe cooking practices during Fire Prevention Week 2020, and to support the many public safety activities and efforts of Emporia's fire and emergency services.

On this 7th Day of October 2020

ATTEST:

Danny Giefer, Mayor

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: 4

SUBJECT: Request to Appoint a Member to the Community Correction Board.

RECOMMENDATION: Appoint Member

BACKGROUND SUMMARY:

The Community Corrections Board currently has one opening on the board. Yvonne Brooks was appointed to the board, but was removed due to lack of participation, therefore creating an opening on this board. Currently we have one eligible applicant for the opening Teresa K. Taylor-Williams. She has been thru the application interview process as required by the City Commission. Staff request Teresa K. Taylor-Williams be reappointed to the Community Corrections Board.

Attached is Ms. Taylor-Williams application.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

APPLICATIONS FOR BOARDS & COMMISSIONS

 [Applicants](#)

 [Trash](#)

APPLICATION FOR ADVISORY BOARD MEMBERSHIP

DATE: 09/17/2020

NAME:	Teresa	K	Taylor-Williams
	First Name	MI	Last Name

ADDRESS:	918 East Street		
	Street		
	Emporia	KS	66801
	City	State	ZIP

Email: ttaylorw@emporia.edu

PHONE: 231-578-0025

PLACE OF EMPLOYMENT: Emporia State University

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 1 year

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
COMMUNITY CORRECTIONS BOARD

BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON THE

ADVISORY BOARD(S) MENTIONED ABOVE:

I want to be involved in this community in an impactful way. I think my background and experiences could lend something productive or positive, and I could offer a diverse perspective to this board.

OTHER ACTIVITIES AND INTERESTS:

Writing, teaching, family, reading, travel.

In Lieu of Signature, Click Here

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: 5

SUBJECT: Consider appointing a new member to the City/County MUPP Board

RECOMMENDATION: Appoint Darren Rebar as a City member to the Multi-Use Path Planning Board

BACKGROUND SUMMARY:

The City/County MUPP Board currently has a City member position opening on the Board. Mr. Rebar's application has been reviewed by staff and he has been through the Commission interview appointment process. Attached is his application for your review and consideration.

ACTION RECORD

Action: _____


Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____



APPLICATIONS FOR BOARDS & COMMISSIONS

 Applicants

 Trash



APPLICATION FOR ADVISORY BOARD MEMBERSHIP

DATE: 12/15/2019

NAME: Darren W Rebar
First Name MI Last Name

ADDRESS: 1414 West
Street
Emporia KS 66801
City State ZIP

Email: gotrebar@gmail.com

PHONE: 620-591-9111

PLACE OF EMPLOYMENT: Emporia State University

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 2 years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
Multi-Use Planning Board (MUPP)

**BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON THE
ADVISORY BOARD(S) MENTIONED ABOVE:**

I also submitted an application to NRAB (couldn't select multiple boards)

I've commuted by bicycle for over 20 years. Some places I've lived have had wonderful infrastructure to promote cycling for practical and recreational purposes; other places not so much. Emporia, to me, is a wonderful slate with which to consider various routes, trails, and paths to promote alternative infrastructures - the roads are wide, many parks pepper the city, and an active cycling community has blossomed. I'd like to be part of that vision to help other Emporians appreciate and take advantage of alternative means and routes to navigate in and around the city.

OTHER ACTIVITIES AND INTERESTS:
Cycling

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: 6

SUBJECT: Consider authorizing staff to drawdown \$500,000.00 in earnings from the Lake Kahola Fund (Emporia Community Foundation) to help pay for improvements to the Emporia Park System.

RECOMMENDATION: Authorize the drawdown of \$500,000.00 in earnings from the Lake Kahola Fund (Emporia Community Foundation) to help pay for improvements to the Emporia Park System.

BACKGROUND SUMMARY:

Several years ago, the City embarked on an aggressive improvement plan to the Emporia Park System. Some of the recent improvements include the installation of poured-in-place playgrounds in multiple parks, installation of a Splash Park, renovation of the Hammond Park tennis courts and improvements to the Veteran's Memorial. Additionally, the David Traylor Zoo is in Phase I of a multimillion-dollar improvement project. The Lake Kahola Fund monies were matched with private funds, Special Park Fund monies and other revenue sources in order to make the dollars stretch further. The proceeds from the Lake Kahola Fund are required to be spent on park system improvements.

Attached is a summary of the projects financed from Lake Kahola Fund monies since its inception.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

Lake Kahola

	Principal
12/21/2007 Initial Contribution	\$1,540,000.00
9/1/2008 Additional Lots	\$51,683.00
7/1/2010 Additional Lots	\$32,181.50
1/1/2013 Additional Lots	\$34,046.35
	\$1,657,910.85
8/31/2020 Balance	\$2,792,655.64

Withdrawals

8/30/2018 Spray Park	\$175,000.00
7/3/2014 Hammond Park Tennis Court	\$175,000.00
8/18/2011 East Side Park Restroom	\$52,500.00
	<hr/>
	\$402,500.00

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: 7

SUBJECT: Consider amending Ordinance No. 19-19 of the City of Emporia, Kansas that authorized water system improvements and issuance of general obligation bonds.

RECOMMENDATION: Approve Ordinance amending Ordinance 19-19 of the City of Emporia that authorized water system improvements and issuance of general obligation bonds.

BACKGROUND SUMMARY:

The City Commission approved Ordinance 19-19 on September 4, 2019 that authorized the installation of waterlines along South Avenue from the Transfer Station to Prairie Avenue, including but limited to, approximately 3,000 linear feet of 10" water line and approximately 1,600 linear feet of 12" water line and all appurtenances thereto including engineering, design, surveying construction, legal services and cost of issuance for the general obligation bonds. Bond counsel discovered an error in the estimated cost as \$500,000.00 instead of the correct estimated cost of \$600,000.00. This ordinance corrects that error and allows for the issuance of general obligation bonds in the proper amount.

A copy of Ordinance is attached for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

(Published in the *Emporia Gazette* on October __, 2020)

ORDINANCE NO. 20-__

AN ORDINANCE AMENDING ORDINANCE NO. 19-19 OF THE CITY OF EMPORIA, KANSAS AUTHORIZING WATER SYSTEM IMPROVEMENTS, AND ISSUANCE OF GENERAL OBLIGATION BONDS OR TEMPORARY NOTES TO PAY COSTS THEREOF

WHEREAS, pursuant to K.S.A. 65-162a *et seq.* (the “Act”), the City of Emporia, Kansas (the “City”) adopted Ordinance No. 19-19 on September 4, 2019 authorizing improvement of the City’s public water supply system by installing waterlines along South Avenue from the Transfer Station to Prairie Avenue, including but not limited to, approximately 3,000 linear feet of 10” water line and approximately 1,600 linear feet of 12” water line, and all appurtenances thereto, including engineering and design services, surveying, construction, legal services, interest on temporary financing, costs of issuing notes or bonds, and final inspection, according to specifications and plans approved by the City as part of Project No. WM1903 (the “Water System Improvements”); and

WHEREAS, the estimated costs of the Water System Improvements is \$600,000, plus necessary costs of issuing temporary and permanent financing to fund the Water System Improvements; and

WHEREAS, Ordinance No. 19-19 as approved incorrectly stated the estimated costs of the Water System Improvements as \$500,000 and it is necessary to correct those provisions of Ordinance No. 19-19 to state the correct estimated costs of \$600,000; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

Section 1. The third paragraph of the “Whereas” recitals in Ordinance No. 19-19 is replaced with second recital paragraph of this Ordinance entitled “Whereas”.

Section 2. Section 2 of Ordinance No. 19-19 is repealed and replaced with the following:

“**Section 2.** To provide funds to pay costs of the Water System Improvements, and as authorized by the Act, the City authorizes issuance of its general obligation bonds in the amount of \$600,000 plus the necessary costs of issuing temporary and permanent financing. General obligation temporary notes of the City may be issued from time to time to pay for the interim financing for the Water System Improvements until bonds for permanent financing are issued.”

Section 3. This Ordinance supplements, corrects and amends Ordinance 19-19 only to the extent stated herein and the balance of Ordinance 19-19 shall remain in full force and effect.

Section 4. The Mayor and City Clerk are authorized and directed to take such other action, including the execution of documents, as may be necessary to proceed with the intent of this Ordinance.

Section 5. This Ordinance shall be in full force and effect after it is passed and approved by the City governing body and published one time in the official City newspaper.

[Remainder of Page Intentionally Left Blank]

PASSED AND APPROVED by the governing body of the City of Emporia, Kansas on
October 7, 2020.

CITY OF EMPORIA, KANSAS

[Seal]

By _____
Danny Giefer, Mayor

ATTEST:

By _____
Kerry Sull, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Emporia, Kansas, met in regular session at the usual meeting place in the City on October 7, 2020, at 1:30 p.m., with Mayor Danny Giefer presiding, and the following members of the governing body present:

The following members were absent:

Among other business, the governing body considered an Ordinance entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 19-19 OF THE CITY OF EMPORIA, KANSAS AUTHORIZING WATER SYSTEM IMPROVEMENTS, AND ISSUANCE OF GENERAL OBLIGATION BONDS OR TEMPORARY NOTES TO PAY COSTS THEREOF

The Ordinance was considered and discussed and on motion of _____, seconded by _____, the Ordinance was adopted by a majority vote of the members of the governing body, and assigned No. 20-__.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify the foregoing is a true and correct Excerpt of Minutes of the October 7, 2020 meeting of the governing body of the City of Emporia, Kansas.

[Seal]

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: 8

SUBJECT: Consider the approval of Ordinance authorizing issuance of the City's General Obligation Bonds, Series 2020, in the principal amount of \$6,940,000.00 for the purposes and refunding certain outstanding general obligation bonds of the City and financing the cost of capital improvements in the City.

RECOMMENDATION: Approved Ordinance authorizing issuance of the City's General Obligation Bonds, Series 2020, in the principal amount of \$6,940,000.00 for the purpose of refunding certain outstanding general obligation bonds of the City and financing the cost of capital improvements in the City.

BACKGROUND SUMMARY:

The City Commission has previously authorized the refunding of the 2012-A General Obligation Bonds and financing the cost of capital improvements in the City. The projects in the 2020 general obligation bond issue include the following:

- Refunding of Series 2012-A general obligation bonds for a savings of \$133,799.58 (net of all costs).
- The Present Value Savings percentage of the refunding component is 5.61%.
- Construction of a one-million-gallon water tower and related service lines in Industrial Park III.
- Acquisition of a 2019 AEV Traumahawk Type I Ambulance
- Replacement of water lines on South Avenue from the Transfer Station to Prairie Street.
- Upgrades to mobile and portable radios.
- Improvements for the parking lot at Peter Pan Park.

- Construct or reconstruct streets on the following:
 - 30th Avenue from Crestview Drive from Prairie Street To Crestview Drive
 - Funston Street from 6th Avenue to 5th Avenue
 - 5th Avenue from Funston Street to Sunnyslope Street
 - Soden Road from the intersection of the parking lot at the Zoo Education Center to the point Soden Road becomes S. Exchange Street and the S. Exchange Street to a point 910' south of Logan Avenue.
 - Improvements to the Public Works Building and existing hangars at the municipal airport.
 - Acquisition of a fire truck and related equipment

A copy of Ordinance is attached for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

(Published in the *Emporia Gazette* on October 10, 2020)

ORDINANCE NO. 20-__

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING ISSUANCE OF THE CITY'S GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2020, IN THE PRINCIPAL AMOUNT OF \$6,940,000, FOR THE PURPOSES OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY AND FINANCING THE COSTS OF CAPITAL IMPROVEMENTS IN THE CITY; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; AUTHORIZING RELATED DOCUMENTS AND ACTIONS; AND MAKING COVENANTS WITH RESPECT TO THE BONDS.

WHEREAS, the governing body of the City of Emporia, Kansas (the "City"), under the authority of K.S.A. 12-685 *et seq.*, K.S.A. 12-1736 *et seq.*, K.S.A. 65-162a *et seq.*, Article 12, Section 5 of the Constitution of the State of Kansas, and Charter Ordinance No. 39 of the City, all as amended and supplemented (collectively, the "Project Act") has authorized the following improvements in the City (the "Project"), as described below:

1. Constructing and installing a one (1) million gallon water tower and related water service lines to serve Industrial Park III, and surrounding areas and all things necessary and incidental thereto, including, but not limited to, engineering and design services, surveying, construction, legal services, interest on temporary financing, costs of issuing notes or bonds and final inspection, as authorized by Ordinance No. 18-02, as amended by Ordinance No. 18-24, a portion of such improvements has been paid from proceeds of the City's Series 2018 Bonds issued in the principal amount of \$3,195,000 and other available funds, and which the City seeks to complete with the installation of a mixer in the water tower at a cost of \$250,000 and;
2. Acquisition of a 2019 AEV Traumahawk Type 1 Ambulance authorized by Ordinance No. 18-35;
3. Replacement of water lines on South Avenue from the Transfer Station to Prairie Street, as authorized by Ordinance No. 19-19, as amended by Ordinance No. 20-__;
4. Upgrades to mobile and portable radios, as authorized by Ordinance No. 19-26;
5. Improvements for the parking lot at Peter Pan Park, as authorized by Ordinance No. 20-11;
6. Construct, reconstruct, pave and otherwise improve, (a) 30th Avenue from Crestview Drive to Prairie Street, at an estimated cost of \$753,000, (b) Funston Street from 6th Avenue to 5th Avenue, at an estimated cost of \$341,000; (c) 5th Avenue from Funston Street to Sunnyslope Street, at an estimated cost of \$117,000, and (d) Soden Road from the intersection of the parking lot for the Zoo Education Center to the point Soden Road becomes S. Exchange Street

and then S. Exchange Street to a point 910' south of Logan Avenue, as authorized by Ordinance No. 20-19;

7. Improvements to the City's public works building and existing hangers at the municipal airport, as authorized by Ordinance No. 20-20;

8. Acquisition of a fire truck and related equipment to be used by the City's fire department and a dump truck to be used by the City's street department, as authorized by Ordinance No. 20-25; and

WHEREAS, the City is authorized by the Project Act and K.S.A. 10-101 to 10-125, inclusive, as supplemented and amended (collectively, the "Act"), to issue, sell and deliver general obligation bonds for the purpose of financing unpaid costs of the Project.

WHEREAS, the City is authorized by K.S.A. 10-427 et seq. (the "Refunding Act") to issue general obligation refunding bonds of the City for the purpose of refunding the callable portion of the City's outstanding General Obligation Bonds, Series 2012-A (the "Refunded Bonds"); and

WHEREAS, the City is authorized by the Project Act, the Refunding Act, and K.S.A. 10-101 to 10-125, inclusive, as supplemented and amended (collectively, the "Act"), to issue, sell and deliver general obligation bonds for the purpose of financing unpaid costs of the Project and to achieve interest cost savings through early redemption and refunding of the Refunded Bonds and further provide an orderly plan of finance for the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

SECTION 1. Authorization of the Bonds. General Obligation Refunding and Improvement Bonds, Series 2020, of the City in the total principal amount of \$6,940,000.00 (the "Bonds") are authorized to be issued for the purpose of providing funds to refund the Refunded Bonds and pay a portion of the costs of the improvements described above (the "Project").

SECTION 2. Security for the Bonds. The Bonds are general obligations of the City. The full faith, credit and resources of the City are pledged to secure the payment of the principal of and the interest on the Bonds as the same severally become due and payable. The governing body of the City covenants that it shall annually make provision for the payment of the principal of and the interest on the Bonds as and when the same become due and payable by levying and collecting the necessary ad valorem taxes upon all of the taxable tangible property located within the territorial limits of the City, in such amounts as are necessary to provide for such annual payment.

Payment of the Bonds will also be insured by a Municipal Bond Insurance Policy issued by Build America Mutual Assurance Company as described in the Resolution discussed in Section 3 of this Ordinance.

SECTION 3. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to maturity thereof, and shall be issued and delivered in the manner

prescribed and subject to the provisions, covenants and agreements set forth in a resolution hereafter adopted by the governing body of the City (the "Resolution"). Terms used in this Ordinance but not defined herein shall have the meaning given to them in the Resolution, and this Ordinance and the Resolution shall be read together as a single document authorizing and describing terms of the Bonds.

SECTION 4. Designation of Paying Agent and Bond Registrar; Issuer/Agent Agreement. Pursuant to K.S.A. 10-620 *et seq.*, the governing body elects to have the provisions of the Kansas Bond Registration Law apply to the Bonds and designates and appoints the Treasurer of the State of Kansas, Topeka, Kansas, as the Bond Registrar and Paying Agent for the Bonds (the "Paying Agent"). The terms, conditions and provisions under which the Paying Agent will perform its duties are set forth in an Agreement between Issuer and Paying Agent dated as of October 20, 2020 (the "Issuer/Agent Agreement"). The form and text of the Issuer/Agent Agreement are approved and accepted by the governing body, and all of the covenants, duties and responsibilities therein to be performed by and on behalf of the City are declared to be the covenants, duties and responsibilities of the City as though fully set forth at this place. The Mayor and City Clerk are authorized to execute and deliver the Issuer/Agent Agreement for and on behalf of the City. The Issuer/Agent Agreement is incorporated in and made a part of this Ordinance as though fully set forth at this place; provided however, the inclusion of the Issuer/Agent Agreement in the publication of this Ordinance shall not be required.

SECTION 5. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon taxable tangible property within the City in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as other general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Series 2020 Principal and Interest Account, as created by and defined in the Resolution.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the City Treasurer is authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

SECTION 6. Tax Covenants. The governing body of the City covenants that so long as any of the Bonds remain outstanding and unpaid, it will not use or permit the use of the proceeds thereof which, if such use had been reasonably expected on the date of issuance and delivery, would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 103(b)(2) of the Internal Revenue Code of 1986, as amended (the "Code"); and that it will comply with all applicable requirements of Section 148 of the Code and applicable the rules and regulations of the United States Treasury Department thereunder for so long as any of the Bonds remain outstanding and unpaid. The governing body further covenants to take all such action in its power as may be

required from time to time in order to ensure the continued tax-exempt status of the interest on the Bonds, and to comply with all provisions of the Code, as the same be amended, and any applicable rules and regulations of the United States Treasury Department thereunder.

SECTION 7. Authorization of Official Statement; Continuing Disclosure. The governing body of the City ratifies and confirms its prior approval of the form and content of the “deemed final” Preliminary Official Statement dated September 22, 2020 and the use of the final Official Statement in the reoffering of the Bonds by Raymond James & Associates, Inc., Kansas City, Missouri, as Purchaser is approved and authorized; and the Mayor is authorized to execute and the City Clerk to attest the Official Statement on behalf of the City. The City covenants and agrees to provide continuing disclosure as required by Securities and Exchange Commission Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (17 CFR part 240, §240.15c2-12) and as set forth in the Continuing Disclosure Undertaking submitted to the governing body with this Ordinance. The Mayor is authorized to execute and the City Clerk to attest the Continuing Disclosure Undertaking on behalf of the City.

SECTION 8. Designation as Qualified Tax-Exempt Obligations. The governing body of the City designates the Bonds as “qualified tax-exempt obligations” as defined in Section 265(b)(3) of the Code.

SECTION 9. Further Authority. The City and its officers, agents and employees are authorized and directed to, take such actions, expend such moneys and execute such other documents, certificates and instruments as may be necessary or desirable in order to carry out and comply with this Ordinance and to give effect to the transactions contemplated hereby, including, but not limited to, a Bond Purchase Agreement between the City and the Purchaser of the Bonds, executed on September 30, 2020, a Commitment relating to the Municipal Bond Insurance Policy (defined in the Resolution), and final certificates required to be included in the official Transcript of Proceedings relating to the authorization and issuance of the Bonds, all without further action by the governing body.

SECTION 10. Severability. If any provision of this Ordinance shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatsoever.

SECTION 11. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

SECTION 12. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval and its publication one time in the City’s official newspaper.

[Remainder of Page Intentionally Left Blank]

ADOPTED AND APPROVED by the governing body of the City of Emporia, Kansas on
October 7, 2020.

CITY OF EMPORIA, KANSAS

[seal]

By _____
Danny Giefer, Mayor

ATTEST:

By _____
Kerry Sull, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Emporia, Kansas, met in regular session at the usual meeting place in the City on October 7, 2020, at 1:30 P.M.. Mayor Danny Giefer, presided, and all members of the governing body were present as follows:

and the following members were absent:

An Ordinance was presented to the governing body entitled:

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING ISSUANCE OF THE CITY'S GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2020, IN THE PRINCIPAL AMOUNT OF \$6,940,000, FOR THE PURPOSES OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY AND FINANCING THE COSTS OF CAPITAL IMPROVEMENTS IN THE CITY; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; AUTHORIZING RELATED DOCUMENTS AND ACTIONS; AND MAKING COVENANTS WITH RESPECT TO THE BONDS.

The Ordinance was considered and discussed, and upon the motion of _____, seconded by _____, the Ordinance was adopted by a majority vote of the governing body. The Ordinance was assigned No. 20-__.

A Resolution was presented to the governing body entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2020, IN THE PRINCIPAL AMOUNT OF \$6,940,000, OF THE CITY OF EMPORIA, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 20-__ OF THE CITY; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING OTHER DOCUMENTS AND ACTIONS CONNECTED WITH THE BONDS.

The Resolution was considered and discussed; and on motion of _____, seconded by _____, the Resolution was adopted by a majority vote of all members present. The Resolution was assigned No. _____.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the October 7, 2020 meeting of the governing body of the City of Emporia, Kansas.

[seal]

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: 9

SUBJECT: Consider the approval of Resolution authorizing the sale and delivery of general obligation refunding and improvement bonds, Series 2020, in the principal amount of \$6,940,000.00 of the City of Emporia, Kansas, previously authorized by Ordinance of the City of Emporia, Kansas.

RECOMMENDATION: Approve Resolution authorizing the sale and delivery of general obligation refunding and improvement bonds, Series 2020, in the principal amount of \$6,940,000.00 of the City of Emporia, Kansas, previously authorized by Ordinance of the City of Emporia, Kansas.

BACKGROUND SUMMARY:

The approval of the Resolution authorizes the issuance of the City's General Obligation bonds for the purpose of providing funds to pay a portion of the costs of the Project described and defined in the Bond Ordinance and refunding the refunding bonds and pay the issuance cost.

A copy of Resolution is attached for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

RESOLUTION NO. ____

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2020, IN THE PRINCIPAL AMOUNT OF \$6,940,000, OF THE CITY OF EMPORIA, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 20-__ OF THE CITY; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING OTHER DOCUMENTS AND ACTIONS CONNECTED WITH THE BONDS.

WHEREAS, the governing body of the City of Emporia, Kansas (the "City"), has adopted Ordinance No. 20-__ (the "Bond Ordinance") authorizing the issuance of the City's General Obligation Refunding and Improvement Bonds, Series 2020 (the "Bonds") for the purpose of providing funds to pay a portion of the costs of the Project described and defined in the Bond Ordinance (the "Project"), refunding the Refunded Bonds (as defined in the Bond Ordinance) and paying the costs of issuing the Bonds; and

WHEREAS, the Bond Ordinance authorized the governing body of the City to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

SECTION 1. Authority for Bonds; Security; Bond Ordinance. In the Bond Ordinance the City has authorized the issuance of the Bonds for the purposes described in the Bond Ordinance pursuant to the statutory authority cited in the Bond Ordinance. The Bonds are general obligations of the City and payment of the Bonds is secured as described in the Bond Ordinance. Terms used in this Resolution but not defined herein shall have the meaning given to them in the Bond Ordinance, and this Resolution and the Bond Ordinance shall be read together as a single document authorizing and describing terms of the Bonds.

SECTION 2. Details of Bonds; Payment of Principal and Interest. The Bonds shall be issued in the total principal amount of \$6,940,000.00, shall be designated "City of Emporia, Kansas, General Obligation Refunding and Improvement Bonds, Series 2020"; and shall be dated October 20, 2020 (the "Dated Date"). The Bonds shall mature on September 1 (the "Principal Payment Date") in each of the years and in the principal amounts and shall bear interest at the respective rates per annum (computed on the basis of a 360-day year of twelve 30-day months), as follows:

Maturity Schedule
SERIAL BONDS

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
09/01/2021	\$1,040,000.00	3.00%
09/01/2022	1,140,000.00	3.00%
09/01/2023	1,175,000.00	3.00%
09/01/2024	305,000.00	3.00%
09/01/2025	310,000.00	3.00%
09/01/2026	320,000.00	3.00%
09/01/2027	325,000.00	3.00%
09/01/2028	335,000.00	3.00%
09/01/2029	340,000.00	3.00%
09/01/2030	255,000.00	3.00%
09/01/2031	265,000.00	3.00%
09/01/2032	270,000.00	3.00%
09/01/2033	275,000.00	3.00%
09/01/2034	290,000.00	3.00%
09/01/2035	295,000.00	3.00%

Subject to the book-entry provisions of Section 6 of this Resolution, the Bonds shall be issued as fully registered certificated bonds without coupons in denominations of \$5,000, or integral multiples thereof not exceeding the principal amount of Bonds maturing on the respective Principal Payment Date; and the Bonds shall be numbered in such manner as the Bond Registrar (hereinafter defined) shall determine.

The principal amount of the Bonds shall be payable in lawful money of the United States of America by check or draft of the Paying Agent (as defined in the Bond Ordinance) upon the presentation of the Bonds for payment and cancellation at the Paying Agent's principal office in the City of Topeka, Kansas.

The interest on the Bonds shall be payable semiannually on March 1 and September 1 of each year (the "Interest Payment Dates"), commencing March 1, 2021, to the Owners of the Bonds as shown on the Registration Books as of the fifteenth (15th) day of the month prior to the Interest Payment Date (the "Record Date"). The interest on the Bonds shall be payable in lawful money of the United States of America to the owners of bonds (the "Owners") of record as of the Record Date, by check or draft of the Paying Agent mailed to the Owners at their addresses as shown on the Registration Books, or at such other address as an Owner has furnished in writing to the Bond Registrar, or in the case of an interest payment to an Owner of \$500,000 principal amount or more of the Bonds or an Owner that is a securities depository, by electronic transfer, upon written notice given to the Paying Agent by that Owner, not less than 15 days before the Record Date for such payment, containing the electronic transfer instructions, including the bank address (required to be in the United States of America), ABA routing number and account number to which the wire transfer should be directed.

The Bonds shall bear interest from the Interest Payment Date immediately preceding their effective authentication date, unless such effective authentication date shall be an Interest Payment Date in which case the Bonds shall bear interest from such Interest Payment Date, or unless the effective authentication date shall be prior to the first Interest Payment Date, in which case the Bonds shall bear interest from the Dated Date. The effective date of authentication shall be set forth on each Bond, such date to be the date of authentication by the Bond Registrar.

If a Principal Payment Date or an Interest Payment Date (collectively a "Payment Date") is a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State of Kansas and on which the Paying Agent is scheduled to be closed in the normal course of its operations, then the payment of such principal, premium or interest need not be made on the scheduled Payment Date, and may be made on the next succeeding business day with the same force and effect as if made on the scheduled Payment Date, and no interest shall accrue for the period after the scheduled Payment Date.

The Paying Agent shall make payments directly to DTC or its nominee, as the registered owner, for the principal of and the interest on the Bonds; and DTC will remit such principal and interest to its Direct Participants for distribution to the Beneficial Owners, all as defined and in the manner set forth in the following Section 6 and as governed by the terms of the Letter of Representation described in Section 6 herein.

In the event that the Bonds should be issued and delivered in certificated form at any time after the initial delivery of the Bonds, the Paying Agent shall maintain Registration Books for the ownership of the Bonds on behalf of the City; and the Paying Agent will make payment for the Bonds directly to the registered owners of the Bonds as shown by said Registration Books as described in this Section 2.

SECTION 3. Redemption of Bonds.

(A) Optional Redemption. At the option of the City, the Bonds maturing September 1, 2028, and thereafter, may be called for redemption and payment prior to their respective maturities, on September 1, 2027 or thereafter, as a whole or in part at any time, as determined by the City, at a redemption price equal to the principal amount, plus accrued interest to the date of redemption, without premium.

(B) Selection of Bonds to be Redeemed. The Bonds shall be redeemed only in face amounts of \$5,000 or integral multiples thereof. If the City elects to call for redemption less than all of the Bonds at the time outstanding, the Bonds shall be redeemed in such manner as the City shall determine, with Bonds of less than a full maturity to be selected by lot in units of \$5,000; and the City shall, in the case of Bonds registered in denominations greater than \$5,000, treat each \$5,000 of face value of a Bond so registered as though it were a separate Bond in the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any fully registered Bond certificate is selected for redemption, then the Owner of such Bond shall forthwith present and surrender such Bond to the Paying Agent for payment of the redemption price of the \$5,000 unit or units of face value called for redemption, and for exchange, without charge to the Owner thereof for a new Bond or Bonds of the aggregate principal

amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond of a denomination greater than \$5,000 shall fail to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of the principal amount thereof called for redemption (and to that extent only).

(C) Notice of Redemption. The City shall give notice of any call for redemption and payment in writing to the Paying Agent not less than forty-five (45) days prior to the redemption date; and the Paying Agent shall give notice of such call for redemption and payment in writing mailed via United States first class mail to the Owners of the Bonds so called not less than thirty (30) days prior to the redemption date, unless any Owner has waived such written notice of redemption. The City shall also give or cause to be given such additional notice of any call for redemption and payment as may be required by the laws of the State of Kansas which are in effect as of the date such notice is given. All notices of redemption given under the provisions of this Section shall state (i) the redemption date, (ii) the redemption price, (iii) if less than all Outstanding Bonds are to be redeemed, the identification (and in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed, (iv) that on the redemption date the principal amount, and premium, if any, will become due and payable upon each such Bond or portion thereof which has been selected for redemption, and that the interest thereon shall cease to accrue from and after the redemption date, (v) any conditions required prior to redemption and payment, and (vi) that the Bonds so selected for redemption are to be surrendered to or at the principal office of the Paying Agent for payment. The failure of any Owner of the Bonds to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

At the option of the City, a notice of optional redemption may be conditional upon moneys being on deposit with the Paying Agent on or prior to the redemption date in an amount sufficient to pay the redemption price on the redemption date. If a redemption notice is conditional and moneys are not received, such notice shall be of no force and effect, the Paying Agent shall not redeem such Bonds and the Paying Agent shall give notice, in the same manner in which the notice of redemption was given, that such moneys were not so received and that Bonds will not be redeemed.

For as long as the Securities Depository (defined in Section 6) is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this subsection to the Securities Depository. It is expected the Securities Depository will, in turn, notify its Participants and that its Participants, in turn, will notify or cause to notification of the Beneficial Owners of the Bonds. A failure on the part of the Securities Depository or a Participant, or a failure on the part of a nominee of a Beneficial Owner of Bond (having received notice of a redemption from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bonds so affected, shall not affect the validity of the redemption of such Bond.

(D) Deposit of Moneys for and Payment of Redemption Price. On or prior to the redemption date, the City shall deposit with the Paying Agent sufficient funds to pay the redemption price, together with all unpaid and accrued interest thereon to the redemption date, of all Bonds or portions thereof selected for redemption on the redemption date. Upon the surrender

by the Owners of Bonds selected for redemption, the Paying Agent shall pay the redemption price therefor to the Owners. If one or more, but not all, of the \$5,000 units of face value represented by any Bond is selected for redemption and surrendered and paid, then the Paying Agent shall prepare and furnish to the Owner thereof a new Bond or Bonds of the same maturity and in the amount of the unredeemed portion of such Bond as provided above. All Bonds selected, called and surrendered for redemption shall be canceled by the Paying Agent and shall not be reissued.

(E) Effect of Call for Redemption. Whenever any Bond, or one or more of the \$5,000 units of face value represented by any Bond, has been selected for redemption and payment as provided in this Section, all interest on such Bond, or such one or more of the \$5,000 units of face value represented by any such Bond, shall cease from and after the redemption date, provided funds are then available for its payment at the price hereinbefore specified.

SECTION 4. Designation of Paying Agent and Bond Registrar. In the Bond Ordinance the City has designated the State Treasurer of Kansas, Topeka, Kansas as the Bond Registrar and Paying Agent for the Bonds pursuant to the Issuer/Agent Agreement (as defined in the Bond Ordinance) and the Bond Act.

SECTION 5. Ownership; Transfers and Exchanges; Mutilated, Lost, Stolen or Destroyed Bonds. Pursuant to the Issuer/Agent Agreement, the Bond Registrar shall maintain books for the recording of the initial registration and any subsequent transfers of the ownership of the Bonds (the "Registration Books"), and the person(s) in whose name any Bond is registered as shown on the Registration Books shall be deemed and regarded as the absolute Owner thereof for all purposes. Payment of, or on account of, the principal of and the interest on any such Bond shall be made only to or upon the order of the Owner or his duly authorized agent. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the interest thereon, to the extent of the sum or sums so paid.

The provisions, terms, conditions and requirements for the transfer and exchange of the Bonds, and for the replacement of a mutilated, lost, stolen or destroyed Bond are fully set forth in the Issuer/Agent Agreement. Replacement bonds delivered upon any transfer or exchange made in compliance with the provisions, terms, conditions and requirements set forth in the Issuer/Agent Agreement shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by the pledges made in this Resolution and the Bond Ordinance and shall be entitled to all of the security and benefits hereof to the same extent as the bonds surrendered.

SECTION 6. Book-Entry-Only Bonds. The Bonds shall be initially distributed in book-entry-only form through The Depository Trust Company, New York, New York ("DTC"), by depositing with DTC one certificate for each maturity in fully registered form, registered in the name of DTC's nominee, Cede & Co., in an amount equal to the total principal amount of the Bonds maturing on the respective Principal Payment Dates as authorized herein. Notwithstanding anything in this Resolution to the contrary, so long as the Bonds remain in book-entry-only form the manner of payment of the principal of and the interest on the Bonds to DTC, and other matters relating to the distribution of the Bonds in book-entry-only form through DTC, shall be governed by the provisions of this Section 6 and a Letter of Representations from the City to DTC (the

"Letter of Representations"), which the Mayor or City Clerk is hereby authorized to execute and deliver on behalf of the City.

One certificate per maturity registered in the name of DTC's nominee, Cede & Co., for the total principal amount of the Bonds maturing on the respective Principal Payment Dates will be issued to DTC in New York, New York; and such certificates will be immobilized in its custody. Purchases of the Bonds in denominations permitted by Section 2 hereof must be made by or through Direct Participants of DTC (as defined in the Letter of Representations), which will receive a credit for the Bonds on DTC's records. The ownership interest of each actual purchaser of each Bond (the "Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Transfers of ownership will be effected on the records of DTC and its Participants pursuant to the rules and procedures established by DTC and its Participants. Payment of principal and interest on the Bonds will be made in same day funds directly to DTC. The transfer of principal and interest to Participants of DTC will be the responsibility of DTC; the transfer of principal and interest to beneficial owners by Participants of DTC will be the responsibility of such Participants. Neither the City nor the Paying Agent and Bond Registrar will be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its Participants or persons acting through such Participants.

In the event the Bond Registrar receives written notice from Participants having interest in not less than 50% of the Bonds outstanding, as shown on the records of DTC (and certified to such effect by DTC), that the continuation of a book-entry only system to the exclusion of any Bonds being issued to any Registered Owner other than Cede & Co., is no longer in the best interest of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the registered owners of such determination or such notice, and the Bond Registrar shall register in the name of and authenticate and deliver replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption ("Replacement Bonds"). If issued in certificated form, the certificates representing the Bonds shall be numbered in such manner as the Bond Registrar shall determine.

All references to DTC herein shall relate to the period of time when DTC has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by DTC shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If DTC resigns and the City, the Bond Registrar or the Owners are unable to locate a qualified successor of the securities depository, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from DTC and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the City.

In the event DTC resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor securities depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar with

respect to the ability of the successor securities depository to discharge its responsibilities. Any such successor securities depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of the Bonds to the successor securities depository in appropriate denominations and form as provided in this Resolution.

SECTION 7. Execution and Authentication. The Bonds shall be executed for and on behalf of the City by the manual or facsimile signature of its Mayor or Acting Mayor, attested by the manual or facsimile signature of its City Clerk or any Deputy or Acting City Clerk, and a facsimile of the City's official seal shall be affixed or imprinted on the Bonds. The Bonds shall be registered in the Office of the City Clerk, evidenced by the manual or facsimile signature of the City Clerk on a Certificate of Registration appearing on the Bonds, attested by a facsimile of the City's official seal affixed or imprinted opposite such signature. The Bonds shall be registered by the State Treasurer in the municipal bond register in his or her office, which registration shall be evidenced by his or her manual or facsimile signature on a Certificate of State Treasurer which shall be printed on the reverse of the Bonds, and which shall be attested by a facsimile of his or her official seal imprinted opposite his or her signature. In case any officer of the City or of the State whose signature appears on the Bonds ceases to be such officer before the actual delivery of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until such delivery.

No bond shall be valid or obligatory for any purpose unless and until the Certificate of Authentication on the Bond is duly executed by the Bond Registrar, and a duly executed Certificate on any Bond shall be conclusive evidence that the Bond has been authenticated and delivered under this Resolution. The Bond Registrar's Certificate of Authentication on any Bond is duly executed when manually signed by an authorized officer or signatory of the Bond Registrar; and it is not necessary that the same officer or signatory of the Bond Registrar manually sign such Certificate on all Bonds issued under this Resolution.

SECTION 8. Bonds Not Presented for Payment. If any Bond is not presented for payment when the principal becomes due at maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent, all liability of the City to the Owner thereof for the payment of such Bond shall then cease, determine and be completely discharged, and then it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Ordinance or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at maturity, the Paying Agent shall repay to the City the funds therefore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the City, and the Owner thereof shall be entitled to look only to the City for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and City shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

SECTION 9. Payment of Costs. The City shall pay out of the proceeds of the Bonds all costs incurred in connection with the issuance, transfer, exchange, registration, redemption and payment of the bonds except (a) the reasonable fees and expenses of replacing a Bond or Bonds which have been mutilated, stolen, lost or destroyed, or (b) any tax or other governmental charge imposed in relation to the transfer, exchange, registration, redemption or payment of the Bonds.

SECTION 10. Form of Bonds. The Bonds issued under this Resolution shall be evidenced by printed certificates in the form required by the laws of the State of Kansas, and shall contain recitals as required by the Constitution and Laws of the State of Kansas, including a recital that the Bonds are issued in the manner prescribed by the Bond Act, and pursuant to the authority of the Project Act and Refunding Act, for the purpose of refunding the Refunded Bonds and paying the costs of acquiring, constructing and installing the Project in the City.

The governing body authorizes and directs Triplett Woolf Garretson, LLC, the City's Bond Counsel, to prepare the form and text of the certificates for the Bonds, and to cause the same to be printed as the definitive bond certificates for the Bonds.

SECTION 11. Creation and Ratification of Accounts. Simultaneously with the issuance and delivery of the Bonds, the following accounts for the Bonds are created in the City treasury:

General Obligation Refunding and Improvement Bonds, Series 2020 Principal and Interest Account (the "Series 2020 Principal and Interest Account"); and

General Obligation Refunding and Improvement Bonds, Series 2020 Project Fund (the "Project Fund"); and

General Obligation Refunding and Improvement Bonds, Series 2020 Redemption Fund (the "Redemption Fund"); and

General Obligation Refunding and Improvement Bonds, Series 2020 Costs of Issuance Account (the "Costs of Issuance Account").

The Series 2020 Principal and Interest Account shall be administered and maintained for the purpose of depositing moneys from the sale and delivery of the Bonds representing accrued interest and premium, if any, and for the payment and retirement of the Bonds, whether on an Interest Payment Date, Principal Payment Date or upon the redemption of Bonds prior to maturity, and for no other purpose. The Series 2020 Principal and Interest Account may be created as a subaccount of the City's Bond and Interest Fund.

The Project Fund shall be administered and maintained for the purpose of depositing moneys received in connection with the sale and delivery of the Bonds for the purpose of paying the costs associated with purchasing, acquiring, constructing and installing the Project, as well as any applicable costs of issuance associated with the issuance of the Bonds. Amounts remaining in the Project Fund after payment of costs of the Project and costs of issuance can thereafter be used together with the Series 2020 Principal and Interest Account for the subsequent payment and retirement of the Bonds.

The Redemption Fund shall constitute the defeasance escrow for the Refunded Bonds. Moneys paid and credited to the Redemption Fund shall be transferred to the State Treasurer to be used and expended solely and only for the purpose of paying the principal of and interest on the Refunded Bonds, and the fees of the Fiscal Agent for acting as such, if any, as and when the same shall become due and payable, upon the redemption of the Refunded Bonds prior to maturity on November 1, 2020, and for no other purpose, all in accordance with the terms and at the times required by this Resolution, the Bond Ordinance and the terms of the Refunded Bonds. Any moneys remaining in the Redemption Fund after the payment of all of the principal of and interest on the Refunded Bonds shall thereafter be transferred to the Series 2020 Principal and Interest Account to be used to pay the applicable portion of the principal due on the Bonds on their first Principal Payment Date.

Moneys in the Costs of Issuance Account shall be used to pay the Costs of Issuance of the Bonds. Any funds remaining in the Costs of Issuance Account, after payment of all Costs of Issuance shall be transferred to the Principal and Interest Account to pay a portion of the next principal due on the Bonds. Costs of Issuance includes any and all expenses of whatever nature incurred in connection with the issuance and sale of the Bonds, including, but not limited to underwriting fees and expenses, underwriting discount, bond and other printing expenses, rating agency fees, any premiums or expenses incurred in obtaining the Municipal Bond Insurance Policy for the Bonds (described in Section 20), and expenses of City's Counsel and Bond Counsel.

SECTION 12. Sale and Delivery of Bonds; Disposition of Proceeds. The Bonds have been sold pursuant to a Bond Purchase Agreement between the City, as Issuer, and Raymond James & Associates, Inc., Kansas City, Missouri, as Purchaser, executed on September 30, 2020 and delivered on October 20, 2020, upon the terms and conditions set forth in the Bond Purchase Agreement and the City will deliver the Bonds to the Original Purchaser upon receiving the purchase price of the Bonds as set forth in the Bond Purchase Agreement. The Mayor and City Clerk are further authorized and directed to prepare and execute the Bonds in the form and manner specified in this resolution, including a reasonable inventory quantity of bond certificates for transfer, exchange and replacement in accordance with the provisions hereof; and when executed the Bonds shall be registered in the Office of the City Clerk and in the Office of the State Treasurer, as required by law and as provided in this Resolution.

The proceeds from the sale of the Bonds shall be deposited into the Treasury of the City for the credit of and shall be applied, together with other monies of the City, as follows:

(A) The amount of the proceeds representing accrued interest on the Bonds, if any shall be credited to and deposited in the Series 2020 Principal and Interest Account; and any said accrued interest will be used toward the payment of the first maturing interest on the Bonds; and

(B) \$2,261,525.00 of the proceeds shall be immediately credited to and deposited in the Redemption Fund for the payment of the Refunded Bonds.

(C) \$5,125,000.00 of the proceeds shall be immediately credited to and deposited in the Project Fund for the direct payment or reimbursement to the City of the expenses associated with

the Project, including administrative costs and expenses of the Bonds, and reimbursement of any interim financing.

(D) \$58,647.67 of the proceeds shall be immediately credited to and deposited in the Costs of Issuance Account for the direct payment of Costs of Issuance, as defined in Section 11. Costs of Issuance authorized to be paid from bond proceeds on the delivery date of the Bonds are Underwriter's Discount of \$69,400.00 and the premium for the Municipal Bond Insurance Policy of \$17,054.33.

SECTION 13. Resolution Constitutes Contract; Remedies of Owners. The provisions of this Resolution, and all of its covenants and agreements, shall constitute a contract between the City and the Owners, and the Owners of not less than ten percent (10%) of the Bonds at the time Outstanding shall have the right, for the equal benefit and protection of all Owners similarly situated:

(A) By mandamus or other suit, action or proceeding at law or in equity to enforce his or their rights against the City and its officers, agents and employees, and to require and compel the City and its officers, agents and employees to perform all duties and obligations required by the provisions of this Resolution or by the Constitution and laws of the State of Kansas;

(B) By suit, action or other proceeding in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(C) By suit, action or other proceeding in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners.

SECTION 14. Limitation on Actions by Owners; Remedies Cumulative; Delay or Omission Not Waiver. No one or more of the Owners secured hereby shall have any right in any manner whatsoever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all of the Owners. Nothing in this Resolution or in the Bonds shall affect or impair the obligations of the City to pay at the date of maturity thereof or on any prepayment date established therefor, the principal of and the interest on the Bonds to the respective Owners thereof or affect or impair the right of action of any Owners to enforce payment of the Bonds held by them, or to reduce to judgment their claim against the City for the payment of the principal amount of and the interest on the Bonds without reference to or consent of any other Owners. No remedy herein conferred upon the Owners is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute, and may be exercised without regard to any other remedy however given. No delay or omission of any Owners to exercise any right or power accruing upon any default occurring and continuing as aforesaid shall impair any such default or be construed as an acquiescence therein, and every right, power and remedy given by this Resolution to the Owners, respectively, may be exercised from time to time and as often as may be deemed expedient. In case any proceeding taken by any Owners on account of any default shall have been discontinued or abandoned for any reason, or shall have been determined adversely

to the Owners, then in every such case the City and the Owners shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as though no such proceedings had been taken.

SECTION 15. Amendments. The City may, without the consent of the Owners, amend or supplement the provisions of this Resolution (i) to cure any ambiguity herein or to correct or supplement any provision herein which may be inconsistent with any other provision herein or to correct errors, provided such action shall not materially adversely affect the interest of the Owners, or (ii) to grant or confer upon the Owners any additional rights, remedies, powers or security, or (iii) to more precisely identify the Project, or (iv) to conform this Resolution to the Code (as hereinafter defined) or future applicable Federal laws concerning tax-exempt obligations. The rights and duties of the City and the Owners and the terms and provisions of this Resolution may be modified or altered in any respect by an ordinance of the City with the consent of the Owners of not less than seventy-five percent (75%) in principal amount of the bonds then outstanding, such consent to be evidenced by an instrument or instruments executed by the Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the City Clerk; provided that, the following modifications or alternations shall require the written consent of one hundred percent (100%) of the Owners of the then outstanding Bonds:

(A) Extending the maturity of any payment of principal or interest due upon the Bonds,
or

(B) Effecting a reduction in the amount which the City is required to pay by way of principal or interest on the Bonds, or

(C) Permitting a preference or priority of any Bond or Bonds over any other Bond or Bonds, or

(D) Reducing the percentage of the principal amount of the then outstanding Bonds for which the written consent of the Owners is required for any modification or alteration of the provisions of this Resolution.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the ordinance of the City authorizing said modifications, as hereinabove provided for, duly certified and published, as well as proof of consent to such modification by the Owners of not less than the percentage of the principal amount of the bonds then outstanding as hereinabove required therefor. It shall not be necessary to note on any of the outstanding Bonds any reference to such amendment or modification.

SECTION 16. Defeasance. When the principal of and the interest on the Bonds shall have been paid and discharged, then the requirements contained herein and all other rights granted by this Resolution shall cease and terminate. The Bonds shall be deemed to have been paid and discharged within the meaning of this Resolution if there shall have been deposited with the Paying Agent or with a bank located in the State of Kansas and having full trust powers, at or prior to the

maturity or date of redemption, as the case may be, of the Bonds, in trust for and irrevocably appropriated thereto, moneys and/or Government Securities consisting of direct obligations of, or obligations payment of the principal of and interest on which are guaranteed by, the United States of America, which together with the interest to be earned on such Government Securities, will be sufficient for the payment of the principal amount of and the interest on the Bonds, to the date of maturity or redemption, as the case may be, or if default in such payment shall have accrued on such date, then to the date of the tender of such payments; provided that, if such payment and discharge is to be made on a redemption date that notice of such redemption has been duly and properly given as provided by this Resolution and that all of the other terms and provisions of this Resolution relative to the call for and the redemption and payment of the Bonds shall have been satisfied. Any moneys which at any time shall be deposited with the Paying Agent or such Kansas bank by or on behalf of the City, for the purpose of paying and discharging any of the Bonds or interest thereon, shall be and are hereby assigned, transferred and set over to the Paying Agent or such Kansas bank in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All moneys so deposited with the Paying Agent or such Kansas bank shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Resolution.

SECTION 17. Surrender and Cancellation of Bonds. Whenever any outstanding Bond is delivered to the Bond Registrar after payment of the principal amount of and the interest represented thereof or for replacement pursuant to this Resolution, such Bond shall be canceled and destroyed by the Bond Registrar and counterparts of a Certificate of Destruction describing such Bonds so destroyed and evidencing such destruction shall be furnished by the Bond Registrar to the City.

SECTION 18. Tax Covenants. The governing body of the City covenants and agrees that so long as any of the Bonds remain outstanding and unpaid, it will not use or permit the use of the proceeds thereof which, if such use had been reasonably expected on the date of issuance and delivery, would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 103(b)(2) of the Internal Revenue Code of 1986, as amended (the "Code"); and that it will comply with all applicable requirements of Section 148 of the Code and the rules and regulations of the United States Treasury Department thereunder for so long as any of the Bonds remain outstanding and unpaid. The governing body further covenants to take all such action in its power as may be required from time to time in order to assure the continued tax-exempt status of the interest on the Bonds, and to comply with all provisions of the Code, as the same be amended, and any applicable rules and regulations of the United States Treasury Department thereunder.

SECTION 19. Designation as Qualified Tax-Exempt Obligations. In the Bond Ordinance, the governing body of the City has designated the Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code.

SECTION 20. Municipal Bond Insurance. Notwithstanding any provision in this Resolution to the contrary, as long as the Policy described in this Section is in effect, the terms of this Section 20 shall apply to the Bonds.

(A) Definitions. The following definitions apply to this Section 20:

- (i) “BAM” shall mean Build America Mutual Assurance Company, or any successor thereto.
- (ii) “Policy” shall mean the Municipal Bond Insurance Policy issued by BAM that guarantees the scheduled payment of principal of and interest on the Bonds when due.
- (iii) “Security Documents” shall mean the Bond Ordinance, this Resolution, the Bonds, and/or any additional or supplemental document executed in connection with the Bonds.

(B) Notice and Other Information to be given to BAM. The City will provide BAM with all notices and other information it is obligated to provide (i) under its Continuing Disclosure Undertaking, (ii) to the Bond Registrar and Paying Agent under this Resolution, and (iii) to the Owners of the Bonds under the Security Documents. The notice address of BAM is: Build America Mutual Assurance Company, 200 Liberty Street, 27th Floor, New York, NY 10281, Attention: Surveillance, Re: Policy No. 2020B0946, Telephone: (212) 235-2500, Telecopier: (212) 235-1542, Email: notices@buildamerica.com. In each case in which notice or other communication refers to an event of default or a claim on the Policy, then a copy of such notice or other communication shall also be sent to the attention of the General Counsel at the same address and at claims@buildamerica.com or at Telecopier: (212) 235-5214 and shall be marked to indicate “URGENT MATERIAL ENCLOSED.”

(C) Amendments, Supplements and Consents.

- (i) *Amendments.* Wherever any Security Document requires the consent of Owners, BAM’s consent shall also be required. In addition, any amendment, supplement or modification to the Security Documents that adversely affect the rights or interests of BAM shall be subject to the prior written consent of BAM.
- (ii) *Consent of BAM Upon Default.* Anything in any Security Document to the contrary notwithstanding, upon the occurrence and continuance of a default or an event of default, BAM shall be deemed to be the sole Owner of the Bonds for all purposes and shall be entitled to control and direct the enforcement of all rights and remedies granted to the Owners of the Bonds or the trustee, paying agent, registrar, or similar agent (the “Agent”) for the benefit of such holders under any Security Document. The Agent may not waive any default or event of default or accelerate the Bonds without BAM’s written consent.

(D) BAM As Third Party Beneficiary. BAM is explicitly recognized as and shall be deemed to be a third party beneficiary of the Security Documents and may enforce any right, remedy or claim conferred, given or granted thereunder.

(E) Policy Payments.

- (i) In the event that principal and/or interest due on the Bonds shall be paid by BAM pursuant to the Policy, the Bonds shall remain outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the City, the assignment and pledge of the trust estate and all covenants, agreements and other obligations of the City to the registered owners shall continue to exist and shall run to the benefit of BAM, and BAM shall be subrogated to the rights of such registered owners including, without limitation, any rights that such owners may have in respect of securities law violations arising from the offer and sale of the Bonds.
- (ii) Irrespective of whether any such assignment is executed and delivered, the City and the Agent shall agree for the benefit of BAM that: (A) They recognize that to the extent BAM makes payments directly or indirectly (e.g., by paying through the Agent), on account of principal of or interest on the Bonds, BAM will be subrogated to the rights of such Owners to receive the amount of such principal and interest from the City, with interest thereon, as provided and solely from the sources stated in the Security Document and the Bonds; and (B) They will accordingly pay to BAM the amount of such principal and interest, with interest thereon, but only from the sources and in the manner provided in the Security Documents and the Bonds for the payment of principal of and interest on the Bonds to Owners, and will otherwise treat BAM as the owner of such rights to the amount of such principal and interest.
- (iii) *Special Provisions for BAM Default:* If an Insurer Default shall occur and be continuing, then, notwithstanding anything in Section 20 (c)(ii) above to the contrary, (1) if at any time prior to or following an Insurer Default, BAM has made payment under the Policy, to the extent of such payment BAM shall be treated like any other holder of the Bonds for all purposes, including giving of consents, and (2) if BAM has not made any payment under the Policy, BAM shall have no further consent rights until the particular Insurer Default is no longer continuing or BAM makes a payment under the Policy, in which event, the foregoing clause (1) shall control. For purposes of this paragraph (iii), "Insurer Default" means: (A) BAM has failed to make any payment under the Policy when due and owing in accordance with its terms; or (B) BAM shall (i) voluntarily commence any proceeding or file any petition seeking relief under the United States Bankruptcy Code or any other Federal, state or foreign bankruptcy, insolvency or similar law, (ii) consent to the institution of or fail to controvert in a timely and appropriate manner, any such proceeding or the filing of any such petition, (iii) apply for or consent to the appointment of a receiver, trustee, custodian, sequestrator or similar official for such party or for a substantial part of its property, (iv) file an answer admitting the material allegations of a petition filed against it in any such proceeding, (v) make a general assignment for the benefit of

creditors, or (vi) take action for the purpose of effecting any of the foregoing; or (C) any state or federal agency or instrumentality shall order the suspension of payments on the Policy or shall obtain an order or grant approval for the rehabilitation, liquidation, conservation or dissolution of BAM (including without limitation under the New York Insurance Law).

SECTION 21. Other Documents. The Mayor and City Clerk are authorized and directed to prepare and execute any and all supporting documents and certificates required in the issuance of the Bonds, including any applicable notice of redemption of the Refunded Bonds, the Bond Purchase Agreement described in the Bond Ordinance and including final certificates required to be included in the official Transcript of Proceedings relating to the authorization and issuance of the Bonds, and the refunding of the Refunded Bonds all without further action by the governing body.

SECTION 22. Further Authority. The City shall, and the officers, agents and employees thereof, are authorized and directed to, take such actions, expend such moneys and execute such other documents, certificates and instruments as may be necessary or desirable in order to carry out and comply with the provisions of this Resolution and to give effect to the transactions contemplated hereby.

SECTION 23. Severability. If any section, paragraph, clause or provision of this Resolution is, for any reason, held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any remaining provisions of this Resolution.

SECTION 24. Effective Date. This Resolution shall be in force and take effect from and after its adoption and approval.

[Remainder of Page Intentionally Left Blank]

ADOPTED AND APPROVED by the governing body of the City of Emporia, Kansas on
October 7, 2020.

CITY OF EMPORIA, KANSAS

[seal]

By _____
Danny Giefer, Mayor

ATTEST:

By _____
Kerry Sull, City Clerk

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the Issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co., or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

STATEMENT OF INSURANCE

Build America Mutual Assurance Company ("BAM"), New York, New York, has delivered its municipal bond insurance policy (the "Policy") with respect to the scheduled payments due of principal of and interest on this Bond to the Treasurer of the State of Kansas, Topeka, Kansas, or its successor, as paying agent for the Bonds (the "Paying Agent"). Said Policy is on file and available for inspection at the principal office of the Paying Agent and a copy thereof may be obtained from BAM or the Paying Agent. All payments required to be made under the Policy shall be made in accordance with the provisions thereof. By its purchase of these Bonds, the owner acknowledges and consents (i) to the subrogation and all other rights of BAM as more fully set forth in the Policy and (ii) that upon the occurrence and continuance of a default or an event of default under the Resolution or this Bond, BAM shall be deemed to be the sole owner of the Bonds for all purposes and shall be entitled to control and direct the enforcement of all rights and remedies granted to the owners of the Bonds or the trustee, paying agent, registrar or similar agent for the benefit of such owners under the Resolution, at laws or in equity.

No.

\$

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF LYON
CITY OF EMPORIA

GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS
SERIES 2020

Rate of
Interest:

Maturity
Date:

Dated Date:
October 20, 2020

CUSIP:

Registered Owner:

Principal Amount:

The City of Emporia, Kansas (the "Issuer" or "City,") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the Registered Owner identified above (the "Owner,") or registered assigns as of the Record Date as hereinafter defined, the Principal Amount hereof on or before the above Maturity Date, and in like manner to pay interest on the Principal Amount from the most recent Interest Payment Date immediately preceding the Authentication Date set forth below to which interest has been paid, unless such Authentication Date is an Interest Payment Date when this Bond shall bear interest from such Interest Payment Date, or unless the Authentication Date is prior to the first Interest Payment Date when this Bond shall bear interest from the Dated Date, at the above Rate of Interest per annum (computed on the basis of a 360-day year of twelve 30-day months), payable semiannually on March 1 and September 1 (the "Interest Payment Dates") commencing March 1, 2021, until the Principal Amount is paid.

The Principal Amount of this Bond shall be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, the Issuer's designated "Paying Agent" and "Bond Registrar," upon the presentation and surrender of this Bond for payment and cancellation at the Paying Agent's principal office in the City of Topeka, Kansas. The interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Paying Agent mailed to the Owner at the Owner's address appearing on the

Registration Books maintained by the Bond Registrar, or at such other address as the Owner may advise the Bond Registrar in writing by the close of business on the 15th day of the month next preceding the applicable Interest Payment Date (the "Record Date") or, in the case of an interest payment to an Owner of \$500,000 principal amount or more of the Bonds or an Owner that is a securities depository, by electronic transfer, upon written notice given to the Paying Agent by that Owner, not less than 15 days before the Record Date for such payment, containing the electronic transfer instructions acceptable to the Paying Agent as described in the Bond Ordinance (defined herein).

This Bond is a general obligation of the Issuer and the full faith, credit and resources of the Issuer are pledged for the payment of the Principal Amount of and the interest on this Bond and the series of which it is a part as the same respectively become due and payable.

This Bond is one of a duly authorized series designated "City of Emporia, Kansas, General Obligation Refunding and Improvement Bonds, Series 2020", in the aggregate principal amount of \$6,940,000.00 (the "Bonds") authorized by and issued under an Ordinance and Resolution adopted by the Issuer's governing body on October 7, 2020 (collectively the "Bond Ordinance"). The Bonds are issued by the authority of and in compliance with the provisions, restrictions and limitations of the Constitution and Laws of the State of Kansas, including K.S.A. 10-101 *et seq.*, K.S.A. 12-685 *et seq.*, Article 12, Section 5 of the Constitution of the State of Kansas, Charter Ordinance No. 39 of the Issuer, K.S.A. 12-1736 to 12-1739, inclusive, K.S.A. 65-162a *et seq.*, and K.S.A. 10-427 *et seq.*, all as amended and supplemented, for the purpose of paying costs of certain internal improvements in the City and certain costs of issuance authorized by the Bond Ordinance.

The Bonds are secured by and entitled to the protection of the Bond Ordinance; and reference is made to the Bond Ordinance for a complete description of the provisions, among others, with respect to the nature and extent of the security for the Bonds, the rights, duties and obligations of the Issuer, the Paying Agent and Bond Registrar and the registered owners, and the terms, conditions and provisions under which the Bonds are issued and secured.

The Bonds are issued as fully registered certificated bonds in denominations of \$5,000, or integral multiples thereof not exceeding the principal amount of Bonds maturing on the respective Principal Payment Dates; and the Bonds shall be numbered in such manner as the Bond Registrar shall determine.

The Issuer and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute Owner hereof for the purpose of receiving payment of, or on account of, the Principal Amount hereof and the interest due hereon, and for all other purposes.

This Bond is transferable by the Owner in person or by his agent duly authorized in writing at the principal office of the Bond Registrar, but only in the manner, subject to the limitations, and upon payment of the charges provided by the Bond Ordinance and upon the surrender and cancellation of this Bond. Upon any transfer, a replacement bond or bonds of authorized denominations bearing the same Maturity Date and for the same aggregate Principal Amount as this Bond will be issued to the transferee in exchange therefor. The Issuer shall pay out of the proceeds of the Bonds all costs incurred in connection with the issuance, transfer, exchange, registration, redemption or payment of the Bonds, except (i) reasonable fees and expenses in connection with the replacement of a Bond or Bonds mutilated, stolen, lost or destroyed, or (ii) any tax or other governmental charge imposed in relation to the transfer, exchange, registration, redemption or payment of the Bonds.

REDEMPTION OF BONDS

Optional Redemption At the option of the Issuer, the Bonds maturing September 1, 2028, and thereafter, may be called for redemption and payment prior to their respective maturities, on September 1, 2027 or thereafter, in whole or in part at any time, as determined by the Issuer, at a redemption price equal to the principal amount, plus accrued interest to the date of redemption, without premium.

Method of Selection of Bonds for Redemption The Bonds shall be redeemed only in face amounts of \$5,000 or integral multiples thereof; and if the Issuer elects to call for redemption less than all of the Bonds at the time outstanding, the Bonds shall be redeemed in such manner as the Issuer shall determine, with Bonds of less than a full maturity to be selected by lot in units of \$5,000; and the Issuer shall, in the case of Bonds registered in denominations greater than \$5,000, treat each \$5,000 of face value of a Bond so registered as though it were a separate Bond in the

denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any fully registered Bond certificate is selected for redemption, then the Paying Agent shall prepare and furnish to the registered owner thereof a new Bond or Bonds of the same maturity and in the amount of the unredeemed portion of such Bond.

Notice of Redemption The Paying Agent shall give notice of any call for redemption and payment in writing mailed via United States first class mail to the registered owners of the Bonds so called not less than 30 days prior to the Redemption Date, unless such notice has been waived by a Registered Owner.

At the option of the Issuer, a notice of optional redemption may be conditional upon moneys being on deposit with the Paying Agent on or prior to the redemption date in an amount sufficient to pay the redemption price on the redemption date. If such notice is conditional and moneys are not received, such notice shall be of no force and effect, the Paying Agent shall not redeem such Bonds and the Paying Agent shall give notice, in the same manner in which the notice of redemption was given, that such moneys were not so received and that such Bonds will not be redeemed.

Effect of Redemption On or prior to the Redemption Date, the Issuer shall deposit with the Paying Agent sufficient funds to pay the principal amount of the Bonds so called, together with all unpaid and accrued interest thereon to the Redemption Date. Upon the surrender by the registered owners of Bonds selected for redemption, the Paying Agent shall pay the redemption price therefor to said registered owners. Upon the deposit of said funds, and the giving of notice as hereinbefore specified, Bonds thus called for redemption shall cease to bear interest from and after the Redemption Date. All Bonds which have been selected, called and surrendered for redemption shall be canceled by the Paying Agent and shall not be reissued.

It is hereby certified and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas; and that the Issuer's total outstanding indebtedness, including this series of Bonds, does not exceed any constitutional or statutory limitation respecting such indebtedness.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been lawfully executed by the Bond Registrar by the manual signature of an authorized officer or signatory thereof.

IN WITNESS WHEREOF, the Issuer, by its Governing Body, has caused this Bond to be executed by its Mayor and attested by its City Clerk by their manual or facsimile signatures, and its official seal to be affixed hereto or imprinted hereon, all as of October 20, 2020.

CITY OF EMPORIA, KANSAS

(Seal)

ATTEST:

By: _____
Danny Giefer, Mayor

Kerry Sull, City Clerk

CERTIFICATE OF CITY CLERK

The undersigned, the City Clerk of the City of Emporia, Kansas, hereby certifies that the within mentioned General Obligation Refunding and Improvement Bonds, Series 2020, of said City has been duly registered in my office according to law as of October 20, 2020.

WITNESS my hand and official seal.

(Seal)

By: _____
Kerry Sull, City Clerk

LEGAL OPINION

The undersigned, the City Clerk of the City of Emporia, Kansas, hereby certifies that the following is a true and correct copy of the complete final legal opinion of Triplett Woolf Garretson, LLC, Wichita, Kansas, Bond Counsel, on the within Bond and the series of which it is a part, except that said opinion omits the date thereof; that said legal opinion was manually executed, dated and issued as of the Date of Issuance of the Bonds, and a manually signed copy of said opinion is on file with the undersigned and with the Treasurer of the State of Kansas, in the City of Topeka, Kansas.

By: _____
Kerry Sull, City Clerk



We have acted as Bond Counsel to the City of Emporia, Kansas (the "Issuer") in connection with the issuance of its General Obligation Refunding and Improvement Bonds, Series 2020, dated October 20, 2020 in the aggregate principal amount of \$6,940,000.00 (the "Bonds"). The Bonds are issued as provided in the Ordinance and Resolution authorizing the Bonds (collectively the "Bond Ordinance") which have been adopted by the Issuer's governing body.

We have examined a certified Transcript of Proceedings relating to the authorization and issuance of the Bonds. We have also examined the Constitution and statutes of the State of Kansas, insofar as the same relate to the authorization and issuance of the Bonds, and also a specimen Bond of the issue so authorized. As to questions of fact material to our opinion, we have relied upon the certified proceedings and other certifications of public officials and others furnished to us without undertaking to verify the same by independent investigation.

Based upon such examinations, we are of the opinion as of the date hereof, as follows:

1. The Bonds are in proper form and have been duly authorized by appropriate proceedings of the Issuer. The Bonds have been duly executed and registered, and, upon receipt by the Issuer of the purchase price thereof, the Bonds will be duly issued in accordance with the Constitution and statutes of the State of Kansas, and the Bond Ordinance authorizing the issuance thereof (the "Bond Documents").
2. The Bonds are valid and legally binding general obligations of the Issuer, payable as to both the principal amount thereof and the interest thereon, from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real and personal, within the territorial limits of the Issuer.
3. Under existing law, the interest on the Bonds is excludable from the computation of Kansas adjusted gross income.
4. Under existing law, the interest on the Bonds is excluded from gross income for federal income tax purposes, and is not an item of tax preference for purposes of the federal alternative minimum tax. The opinion set forth in the preceding sentence is subject to the condition that the Issuer comply with all requirements of the Internal Revenue Code of 1986, as amended (the "Code") that must be satisfied subsequent to the issuance of the Bonds in order for the interest thereon to be, or continue to be, excluded from gross income for federal income tax purposes. The Issuer has covenanted in the Bond Documents to comply with all such requirements. Failure to comply with certain requirements may cause interest on the Bonds to be included in gross income retroactive to the date of issuance of the Bonds. The Issuer has designated the Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code, and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the Code), a deduction is allowed for 80% of that portion of such financial institutions' interest expense allocable to interest on the Bonds. We express no opinion regarding other federal tax consequences arising with respect to the Bonds.

We have not participated in the preparation of the Official Statement relating to the Bonds, have not been engaged nor have we undertaken to review or verify the accuracy, completeness or sufficiency of the factual information contained therein, nor have we conducted a detailed investigation of the affairs of the Issuer for the purpose of passing upon the accuracy or completeness of the Official Statement; and, accordingly, we express no opinion relating thereto except for the matters described under the heading "TAX MATTERS-Opinion of Bond Counsel."

It is to be understood that the rights of the Registered Owners of the Bonds and the enforceability of the Bonds and the Bond Ordinance may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted and that their enforcement may be subject to the exercise of judicial discretion in accordance with general principles of equity.

This opinion is given as of the date hereof and we assume no obligation to update or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention or any changes in law that may hereafter occur.

TRIPLETT WOOLF GARRETSON, LLC

CERTIFICATE OF AUTHENTICATION

This Bond is one of the City of Emporia, Kansas, General Obligation Refunding and Improvement Bonds, Series 2020, described in the within mentioned Bond Ordinance.

Registration Date: _____.

OFFICE OF THE STATE TREASURER
Topeka, Kansas
as Bond Registrar and Paying Agent

By _____

State Registration No. 0393-056-102020-065

CERTIFICATE OF STATE TREASURER

I, JAKE LATURNER, Treasurer of the State of Kansas, do hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in my office and that this Bond was registered in my office according to law on _____.

WITNESS my hand and official seal.

(Seal)

JAKE LATURNER, Treasurer of the State of Kansas

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identifying No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____ standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint

as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or Taxpayer Identifying No.

Signature (Sign Here Exactly as Name(s)
Appear on Face of Certificate)

Signature Guarantee

By: _____

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: 10

SUBJECT: Report from the City Manager on City Activities

RECOMMENDATION: This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public with information that may be of general interest.

BACKGROUND SUMMARY: This is an opportunity to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

At the time this Agenda was prepared, the following items were in the works:

Tentative Agenda for October 14th Study Session

- Review Solid Waste Management Plan.
- Parks Projects/Pickleball Project
- Review Potential Map Amendments to Neighborhood Revitalization Project.
- Rental Unit Discussion.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: 11

SUBJECT: City Commissioners Reports and Comments

RECOMMENDATION:

BACKGROUND SUMMARY:

This is a time for the City Commissioners to make comments and reports to the Public.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: 12

SUBJECT: Executive Session

RECOMMENDATION:

BACKGROUND SUMMARY:

At this time, the City Commission requests an Executive Session for preliminary discussion regarding potential land acquisition.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: October 7, 2020

ITEM NUMBER: 13

SUBJECT: Executive Session

RECOMMENDATION:

BACKGROUND SUMMARY:

At this time, the City Commission requests an Executive Session for preliminary discussion regarding potential land acquisition.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 16, 2020, with Mayor Giefer presiding and Commissioners Brinkman, Geitz, Gilligan and Smith present. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

This is the time for the Mayor and City Commissioners to make comments and reports to the public. **The following is general information for the month of August for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2019	2020	Increase of \$62,808.68 for the month, and
	\$394,063.87	\$456,872.55	Overall increase of 2.05% from year 2019
YTD	\$ 3,239,684.32	\$ 3,306,069.09	

2. City Share from County Tax

	2019	2020	Increase of \$32,447.35 for month, and
	\$203,038.33	\$235,485.68	Overall increase of 5.80% from year 2019
YTD	\$1,597,765.41	\$1,609,463.03	

3. Building Permits issued from 8/1/2020 to 8/31/2020 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	85
Total of valuations associated with those building permits:	\$8,585,950.00
Total number of dollars collected for Building Permit Fees:	\$ 25,870.00
Construct - single family dwellings	1
Demo - single family dwellings	0

Flint Hills Mall CID for August	\$ 20,215.25
Year to Date Total	\$ 135,558.28

Consent Agenda

It was moved by Commissioner Gilligan, seconded by Commissioner Smith that the Consent Agenda listed below be ratified as a whole:

- Consider minutes of the Meeting held on September 2, 2020.
- Consider ratification of Payroll Ordinance for the period ending on September 11, 2020.
- Consider the Approval of August Budget.

The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

**ENGINEERING
(Downtown Sanitary Sewer System Improvements Project No. SS1803)
(CDBG Project 18-PF-005 Sanitary Sewer Relining Project)
(Public Hearing)**

Garrett Nordstrom, CDBG Grant Administrator, was recognized and addressed the Governing Body. He stated the downtown sanitary sewer system improvements project has been completed. These improvements were partially funded with \$700,000.00 Community Development Block Grant (CDBG) from the State. He stated the next step in the process is to conduct a public hearing for the purpose of evaluating the performance of Grant #18-PF-005, which was for a sewer system improvement project within the City limits of Emporia.

Mayor Giefer then opened the public hearing.

As no one in attendance wished to address the Governing Body, Mayor Giefer closed the public hearing.

**CITY COMMISSION
(Kansas Department of Commerce for Small Cites)
(Authority to Apply for Community Development Block Grant)
(Lift Station #2 Improvements)
(Resolution Number 3634)**

Garrett Nordstrom, CDBG Grant Administrator, was recognized and addressed the Governing Body. He stated he had been working with staff to submit an application for a Kansas Department of Commerce Community Development Block Grant sewer project. This project is for improvements to Lift Station #2 and will include the replacement of two (2) flooded suction centrifugal wastewater pumps, valves and piping. The preliminary estimate for the project is \$1,703,200 with a grant request of \$700,000. The remaining \$1,003,200 in local matching funds will be contributed by the City of Emporia's KDHE-SRF loan. He stated the next step in the

application process is to authorize staff to submit the application by approving the resolution authorizing the Mayor to sign and execute all necessary documents.

Commissioner Brinkman made a motion to approve Resolution Number 3634, a resolution authorizing the City of Emporia to submit an application for a CDBG Sewer Grant for Lift Station #2 Improvements. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

CITY COMMISSION
(Kansas Department of Commerce for Small Cities)
(Authority to Apply for Community Development Block Grant)
(Maintenance and Operation of Lift Station #2)
(Resolution Number 3635)

Garrett Nordstrom, CDBG Grant Administrator, was recognized and addressed the Governing Body. He stated a requirement of the CDBG sewer grant is to approve a Resolution for Maintenance and Operation of Lift Station #2. The resolution states funds will be continually provided for the operations and maintenance of improvements to the sewer system that are financed with community development block grant funds. The annual maintenance costs are anticipated to be approximately \$30,000.

Commissioner Smith made a motion to approve Resolution Number 3635, a resolution assuring the Kansas Department of Commerce that funds will be continually provided for the operation and maintenance of improvements to the sewer system to be financed with CDBG funds. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan and Mayor Giefer, aye.

CITY COMMISSION
(Approve Agreements with BG Consultants)
(FEMA Related Projects)
(2020 S. Arundel Sanitary Sewer Improvements)
(2020 Neosho River Raw Water Intake Improvements)
(2020 Neosho River Low Water Dam Improvements)

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated due to the flooding in the summer of 2019, several city facilities were damaged. Staff has been working with the Kansas Department Emergency Management to get the projects approve by FEMA. The projects submitted are as follows: S. Arundel Sanitary Sewer Improvements; Neosho River Raw Water Intake Improvements; and Neosho River Low Water Dam Improvements. BG Consultants will be contracted to design the mitigation portion of each of the projects. S. Arundel Sanitary Sewer Improvements had a section of pipe damaged and supports were damaged on another. The damaged area was temporarily repaired, however, it will need long term repair to prevent further damage. The design portion and construction services of this project will cost \$271,500 with 85% of the cost to be reimbursed by FEMA. Neosho River Raw Water Intake Improvements has rock riprap on the bank of the Neosho River, on the east and west sides of the structure. Some of the rock was moved due to flooding and needs to be replaced to help ensure that the bank and structure are not damaged in future floods. The design portion and construction services of this project will cost \$216,660 with 85% of the cost to be reimbursed by FEMA. Neosho River Low Water Dam Improvements the south abutment had large masonry stones washed downstream which has exposed the abutment to further, possible more catastrophic damage in future floods. The design portion and construction services of this project will cost \$202,900 with 85% of the cost to be reimbursed by FEMA. He stated BG Consultants will need to proceed with preliminary mitigation design before the projects are submitted to FEMA for approval. He stated staff is

recommending approval of the contacts with BG Consultants for design of FEMA related projects.

Following further discussion, Commissioner Smith made a motion to approve the contracts with BG Consultants for the mitigation design of the S. Arundel Sanitary Sewer Improvements (\$271,500); Neosho River Raw Water Intake (\$216,660) and the Neosho River Low Water Dam (\$202,900). Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

BONDS

**(Authorizing Series 2020 Refunding and General Obligation Bonds
(Estimated Aggregate Principal Amount of \$6,880,000.00)
(Resolution Number 3636)**

City Manager McAnarney stated the Commission had previously authorized various projects for the 2020 General Obligation bond issue. This also provides for the redemption of the 2012-A general obligation bonds at an estimated savings of \$133,000.00. He stated this resolution starts the process that offers the City's 2020 refunding and general obligation improvement bonds and authorizes the Mayor to sign a Bond Purchase Agreement on the day the bonds are offered and sold. The next step, at a future meeting, will authorize the bond ordinance and resolution authorizing the sale of the bonds and the form of notice of redemption addressed to the State Treasurer for the Series 2012-A bonds being called for on November 1, 2020. He stated staff is recommending approving the Resolution authorizing the 2020 refunding and improvement general obligation bonds in the estimated amount of \$6,880,000.00.

Commissioner Gilligan made a motion to approve Resolution Number 3636, a resolution authorizing the offering of the City of Emporia

2020 refunding and improvement general obligation bonds in the estimated amount of \$6,880,000.00. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**WATER SERVICE
(Amending City Code Sections 28-22, 28-142 & 28-143)
(Water & Sewer Services for Multifamily Dwellings)
(Ordinance Number 20-27)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO WATER & SEWER CHARGES; AMENDING SECTION 28-22, 28-142, AND 28-143 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 20-27, was presented to the Governing Body for their consideration.

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated currently multifamily dwellings pay a single monthly service charge for water and wastewater based upon the size of water meter installed at the building. He stated the monthly service charge is not sufficient to cover the water and wastewater services which are being provided. This proposed ordinance will allow for multifamily dwellings which are equipped or built after January 1, 2021, to be charged a monthly service charge for one dwelling unit based on the size of meter installed plus an additional service charge for each additional unit at a rate equivalent to the 5/8 inch meter rate for water and wastewater. He stated staff is recommending approval of the ordinance amending the code.

Commissioner Smith made a motion to approve Ordinance Number 20-27, an ordinance pertaining to water and sewer charges amending section 28-22, 28-142, and 28-143 of the Code of the City of Emporia for multifamily dwellings. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner

Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

CITY COMMISSION
(Consider Amending Requiring Individuals to Wear Face Masks)
(Ordinance Number 20-28)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS REQUIRING INDIVIDUALS TO WEAR MASKS OR OTHER FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND AMENDING CITY CODE SECTION 16-266, to which the City Clerk assigned Ordinance Number 20-28, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated City Code Sec. 16-266 requiring individuals to wear face masks or other face coverings in certain circumstances is scheduled to expire September 16, 2020 at 11:59 p.m. She stated this proposed ordinance extends the expiration date to October 21, 2020 at 11:59 p.m. All other requirements pursuant to Sec 16-266 would remain the same.

Commissioner Gilligan made a motion to approve Ordinance Number 20-28, an ordinance amending City Code Sec. 16-266 extending the expiration date to October 21, 2020, at 11:59 p.m. pertaining to face masks. Commissioner Geitz seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

CITY COMMISSION
(City Manager's Report)

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR SEPTEMBER 23RD STUDY SESSION

CARES/Spark Funds
Presentation from the Emporia Community Action Group
Recycling Contract Discussion
Review 2020 General Obligation Bond Issue.
Discuss Emporia Main Street Contract.

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session for consultation with the City Attorney regarding a legal matter and to invite Special Projects Manager Jim Witt from 7:25 p.m. to 7:35 p.m., in the City Commission Meeting Room. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, at 7:35 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had discussed consultation with the City Attorney regarding a legal matter and no action was taken.

Commissioner Gilligan then made a motion to adjourn. Commissioner Brinkman seconded the motion. The vote follows:

Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk